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Attorneys for Defendant
Advanced Comfort Technologies, Inc. (dba Intellibed)

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH**

PURPLE INNOVATION, LLC,

Plaintiff,

v.

ADVANCED COMFORT
TECHNOLOGIES, INC., dba
INTELLIBED

Defendant.

Case No. 2:20-cv-00811-DBP

**DECLARATION OF LAURA
KABLER OSWELL IN SUPPORT
OF INTELLIBED'S
MOTION TO DISMISS**

Magistrate Judge Dustin B. Pead

I, Laura Kabler Oswell, declare as follows:

1. I am an attorney duly licensed by the State of California and am admitted to practice before this Court. I am a partner at Sullivan & Cromwell LLP and I am counsel to Defendant Advanced Comfort Technologies, Inc., dba Intellibed (“Intellibed”) in the above-captioned action.

2. I provide this declaration in support of Intellibed’s Motion to Dismiss, submitted concurrently herewith.

3. Attached hereto as **Exhibit A** is a true and correct excerpt of the Amended and Restated License Agreement between Intellibed and TNT Holdings, LLC, which was entered into on January 28, 2010. Exhibit A includes only the portion of the License Agreement that was publicly filed by Purple Innovation, LLC (“Purple”) on November 10, 2020 as an exhibit to its Quarterly Report filed on Form 10-Q (“10-Q”).

4. Attached hereto as **Exhibit B** is a true and correct copy of the Settlement Agreement and First Amendment to License Agreement, between Intellibed and EdiZONE, LLC, which has an effective date of May 1, 2017. Exhibit B was publicly filed by Purple on November 10, 2020 as an exhibit to its 10-Q.

5. Attached hereto as **Exhibit C** is a true and correct copy of a September 9, 2020 letter from J. Larson, at Purple, to S. Peterson, at Intellibed, subject: “Attribution, Trademark, and Patent Markings.”

6. Attached hereto as **Exhibit D** is a true and correct copy of a September 16, 2020 letter that I sent on behalf of Intellibed to J. Larson, subject: “Response Regarding Attribution, Trademark and Patent Markings.”

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed this December 14, 2020 in San Francisco, California.

/s/ Laura Kabler Oswell

Laura Kabler Oswell